REMARKS

Status of the Claims

In the Office Action, claims were noted as pending in the application. All claims stand rejected.

Claim 11 has been amended to correct a typographical error in the original. Claim 20 has been added.

A.   Summary of Cited References

Before addressing the Examiner's rejections, a brief summary of the cited references is provided.

Novak, et. al. - U.S. Patent Publication Number 2003/0126599

Novak relates to an editing device that allows a user to access a media program and designate excerpts, or sections, of the media program by generating bookmarks that correspond to time or positional indexes in the program. Abstract. The bookmarks can then be sent via a network device to others so that the others can experience the original user's designated excerpts without having to review the entire program. Id. The other users apply the bookmarks to a different version, or copy, of the program than the original user does, thereby avoiding copyright infringement. Page 2, par. [0033]. Thus, bandwidth is not used transmitting the actual program content over a network. Id.

D.   Rejection of Claims 1-5 and 7-17

Regarding the rejection of independent claim 1, claim 1 claims ". . . broadband communication circuitry for receiving the multimedia content in a broadband format and [for] extracting the content from the broadband content; and decoder circuitry for receiving the content from the broadband communication circuitry, decoding the content and providing the decoded content to at least one user device based on the type of content."

Novak does not disclose these elements. In Novak, multimedia content is accessed from a DVD or from encoded television content received from a cable television network or a direct broadcast satellite system. Page 2, pars. [0036] – [0038]. The encoding discussed in Novak is typically MPEG coding known in the art. Page 3, par [0048] – [0050]. Claim 1 in the present application claims extracting content from a broadband content signal, and then decoding the encoded content. In other words, the device claimed in claim 1 strips away the broadband signal protocol format information that envelopes the content information, and then decodes the remaining encoded content, which may MPEG, for example. Novak does not disclose the element of stripping away the broadband signal protocol information as claimed in claim 1, and discussed at page 9, lines 3-13 of the present application.

In the embodiment discussed in this section of the present application, DOCSIS is the broadband signal format described, but other formats are also available. Novak tangentially refers to broadcast centers being connected by a network, for example the internet, but does not disclose embedding MPEG-encoded content information in a broadband format, such as DOCSIS, for example, and transmitting same over a communication network to a multimedia terminal device. Accordingly, all of the

elements of claim 1 are not found in the reference, and withdrawal of the rejection is respectfully requested.

With respect to claim 11, the claim claims ". . . converting digital multimedia content into a digital multimedia content signal . . . ; formatting the digital content signal into a broadband-transport-format signal; . . . receiving the broadband-formatted digital content signal with broadband communication circuitry; extracting the digital multimedia content from the broadband-transport-format signal; and providing the digital multimedia content at one or more outputs according to content type."

Novak does not disclose formatting a digital content signal into a broadband-transport-format signal at a sending location, nor the complementary step at the receiving location of extracting the digital multimedia content from the broadband-transport-format signal. Although Novak discusses that network interface 302 as depicted in FIG. 3 may include circuitry for processing MPEG packets and may also include circuitry for sending and receiving data packets using DOCSIS, there is no teaching that the MPEG packets are embedded inside DOCSIS-formatted signals. Page 4, par. [0062]. Indeed, this passage in Novak distinguishes circuitry for processing MPEG packets from DOCSIS circuitry for transmitting and receiving data. Thus, Novak does not disclose elements found in claim 11, and therefore does not anticipate the claim. Withdrawal of the rejection is respectfully requested.

With respect to the dependent claims, since the independent claims from which they depend are novel as discussed above, so too are the dependent claims. Withdrawal of the rejection is respectfully requested.

E.   Rejection of Claims 6 and 18-19 under 35 U.S.C. § 103(a).

Applicant respectfully submits that the subject matter of the claims patentably distinguish over the cited references. Under MPEP § 2142, for an examiner to establish a *prima facie* case of obviousness, "three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure." If any of these three criteria are not met, the Examiner has not met the burden of establishing a *prima facie* case of obviousness, and the rejection should be withdrawn.

Furthermore, each dependent claim includes all of the limitations of the independent claim from which it depends. If an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. MPEP §2143.03, citing In re Fine, 837 F.2d 1071 (Fed. Cir. 1988). Applicant respectfully submits that the burden of establishing a *prima facie* case of obviousness has not been met.

F.   The Claims are not Obvious over the Cited References

Claims 6 and 18-19 are rejected under 35 U.S.C. § 103(a) over Novak in view of U.S. Patent number 6,816,940 to Brooks with respect to claim 6, and over Novak in view of U.S. Patent Publication 2003/0177502 to Kolze, et. al. The claims addressed in this

section are dependent claims, and depend from independent claims that were not rejected as obvious under 35 U.S.C. § 103. Therefore, under MPEP §§2142 §2143.03, these dependent claims patentably distinguish over the references and withdrawal of the rejection is respectfully requested.
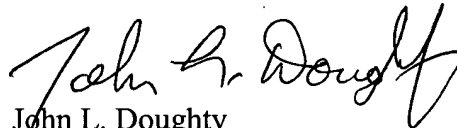
SUMMARY

For all the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance and that action is earnestly solicited.

If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment please contact the undersigned at the mailing address, telephone, facsimile number, or e-mail address indicated below.

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